

| Notice of Allowability | Application No. | Applicant(s) | |
|-------------------------------|-------------------------------|---------------------|--|
| | 10/086,159 | ERYUREK ET AL. | |
| | Examiner Crystal J. Barnes | Art Unit 2121 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Telephone Interview held on 2 March 2005.
2. The allowed claim(s) is/are 1-46.
3. The drawings filed on 17 February 2004 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11 March 2003
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 2 March 2005.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

1. The following is a Notice of Allowance in response to the Telephone Interview held on 2 March 2005. Claims 1-46 remain pending in this application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aaron M. Peters, Reg. No. 48,801 on 2 March 2005.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1 (lines 6-7), inserted --to-- between "pertaining the" and inserted --process plant-- between "the device" (two occurrences).

Claims 2-6, 9, 10, 13, 18, 26-30, 32 and 37 (line 2); inserted --process plant-- between "the device" (one occurrence).

Claim 11 (lines 2 and 3), inserted --process plant-- between "the device" (two occurrences).

Claim 25 (lines 8-9), inserted --process plant-- between "the device" (one occurrence).

Claim 46 (lines 3 and 4), inserted --process plant-- between "the device" (two occurrences).

REASONS FOR ALLOWANCE

3. Claims 1-46 are allowed.

4. The following is an examiner's statement of reasons for allowance:

As per claim 1, the prior art of record taken alone or in combination fails to teach automatically generating an order in response to a detected problem with the process plant device, wherein the order relates to taking one or more corrective measures to solve the problem; and communicating the order.

As per claim 25, the prior art of record taken alone or in combination fails to teach a second routine to automatically generate an order in response to a detected problem with the process plant device, wherein the order relates to

taking one or more corrective measures to solve the problem; and a third routine to communicate the order.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Specification

5. Applicants' arguments during the Telephone Interview that the specification in many instances (i.e., pages 53-54) and figure 27 together support claims 20-22 and 39-42 have been fully considered and were persuasive. The objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 112

6. The examiner's amendment above overcomes the claim rejection. The rejection of claims 1-6, 9-11, 13, 18, 25-30, 32, 37 and 46 has been withdrawn.

Claim Rejections - 35 USC § 102

7. Applicant's argument during the Telephone Interview that the Nixon et al. reference is unavailable as prior art has been fully considered and was persuasive. Both the present application and Nixon et al. claim priority to the same provisional application no. 60/273,164 filed on 1 March 2001. The rejections of claims 1-46 have been withdrawn.

8. Applicant's argument during the Telephone Interview that the KAWAKAMI reference does not qualify as prior art has been fully considered and was persuasive. The Japanese patent does not qualify as prior art under 102(e). The rejection of claims 1, 2, 4, 6-8, 11, 23, 25, 26, 28, 30, 44 and 46 has been withdrawn.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to remote process control in general:

USPN 6,144,945 to Garg et al.

USPN 6,006,199 to Berlin et al.

USPN 5,893,906 to Daffin et al.

USPN 5,687,224 to Alley, Jr. et al.

US Pub. No. 2002/0099638 A1 to Coffman et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB
3 March 2005



Anthony Knight
Supervisory Patent Examiner
Group 3600